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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,931	10/03/2003	Robert P. McCollum	13174.42US11	1210
23552 7590 04/23/2008 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER THOMPSON, CAMIE S	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 04/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,931

Applicant(s)

MCCOLLUM ET AL.

Examiner

Camie S. Thompson

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 2/8/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 32-41 and 43-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 and 50-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-28, 32-41, 43-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 8, 2008 has been entered.
2. Applicant's amendment and accompanying remarks filed February 8, 2008 are acknowledged.
3. Examiner acknowledges amended claim 27.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 27-28, 32-41, 43-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 27 introduces new matter in the exterior acrylic layer reciting that the layer avoids problems inherent in a gel coat.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 27-28, 32-36 and 43-49 are rejected under 35 U.S.C. 102(b) as being anticipated by El Bouhnini et al., U.S. Patent Number 4,242,406.

El Bouhnini discloses a structural laminate that can be used as a sink or tub wherein the laminate is comprised of four layers (see column 1, lines 5-15 and lines 42-54). The reference discloses that the first layer is an exterior layer and comprised of acrylic and has a thickness of from about 15 to 25 mil (column 2, lines 15-35). Additionally, the reference discloses a second layer comprising an organic resin capable of curing at room temperature such as acrylic (see column 2, lines 41-55). It is disclosed in column 5; lines 59-68 that the third layer comprise an organic resin that can be the same organic resin used in the reinforcing layer (acrylic or ABS resins – thermoplastic polymer). The fourth layer in the reference is disclosed as a fiber-reinforced layer wherein the reinforcing fibers are glass fibers (see column 6, lines 30-43). It is disclosed in column 5, lines 40-41 that polyurethane can be used in the reinforcing layer.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over El Bouhnini et al., U.S. Patent Number 4,242,406 in view of Domine et al., U.S. Pre Grant Publication 2004/0161623.

El Bouhnini discloses a structural laminate that can be used as a sink or tub wherein the laminate is comprised of four layers (see column 1, lines 5-15 and lines 42-54). The reference discloses that the first layer is an exterior layer and comprised of acrylic and has a thickness of from about 15 to 25 mil (column 2, lines 15-35). Additionally, the reference discloses a second layer comprising an organic resin capable of curing at room temperature such as acrylic (see column 2, lines 41-55). It is disclosed in column 5; lines 59-68 that the third layer comprise an organic resin that can be the same organic resin used in the reinforcing layer (acrylic or ABS resins – thermoplastic polymer). The fourth layer in the reference is disclosed as a fiber-reinforced layer wherein the reinforcing fibers are glass fibers (see column 6, lines 30-43). It is disclosed in column 5, lines 40-41 that polyurethane can be used in the reinforcing layer. El Bouhnini does not disclose that the structural laminate is a vehicle component or boat. Domine discloses a four-layered composite that can be used in vehicle components or a boat (see paragraphs 0135-1036). Composites are used in various materials. Composite material can form shaped articles. Therefore, it would have been obvious to one of ordinary skill in the art that the composite or

structural laminate of the El Bouhnini reference can be used in an automotive component or a boat.

Response to Arguments

Applicant's arguments filed February 8, 2008 have been fully considered but they are not persuasive. Examiner has reconsidered the prior art and now offers a 35 U.S.C. 102(b) rejection for claims 27-28, 32-36 and 43-49. Applicant argues that the El Bouhnini reference does not read on the present structure in that the third layer has thermosetting resins rather than thermoplastic polymers. El Bouhnini discloses that the reinforcing layer (2nd layer) can be comprised of ABS resins or acrylic resins. Additionally, the reference discloses that the bonding layer can comprise a polymer used in the second layer. Acrylic and ABS resins are thermoplastic resins. The rejections are maintained.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached at (571) 272-1478. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bruce H Hess/

Primary Examiner, Art Unit 1794